IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No. 345 of 2001

For Approval and Signature:

THE HON'BLE MR.JUSTICE D.H.WAGHELA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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CHEHARBEN D/O KARSHANBHAI VIRABHAI DESAI-Petitioner(s)

Versus

AHMEDABAD MUNI.CORPO. &2 - Respondent(s)

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Appearance :

MR PV NANAVATI for Petitioner No(s).: 1.
MR VIBHUTI NANAVATI for Petitioner No(s).: 1.

MR RM CHHAYA for Respondent No(s).: 1.
Ms.ARCHANA RAVAL for Respondent No(s).: 2.

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CORAM : THE HON'BLE MR.JUSTICE D.H.WAGHELA

Date : 23/06/2005

ORAL JUDGMENT

1.This appeal has arisen from the interim order dated 24th July, 2001, whereby the notice of motion Exh.5 and 6 are decided and the application of the appellant for interim relief is rejected. After scarce of interim orders, appointment of Court Commissioner is filing of his report and negotiation among the party for limited conscious have arrived at, according to which, the respondent has agreed to take necessary steps for making atlest kachcha road, which is on the relevant maps shown as 18 meter east-west road so as to make the Final Plot No.11, held by the appellant easily accessible with vehicles. It was fairly agreed and considered that proposed 18 meter TP Scheme road was opening on one side on the 14 meter north-south TP Scheme road and moving from that road westward on the proposed 18 meter TP Scheme road, the Final Plot No.11, held by the appellant, was only next after the plot of land on the corner i.e. FP No.195, held by the respondent itself. Therefore, 18 meter TP Scheme led, is to be led and eventually turned into a pakka road for the purpose of developing the respondent's own land also. In such circumstances, the statement was made on behalf of the respondent, on instruction, by the Ld. Counsel, MR. R.M. Chhaya that atlest the kachcha 18 meter TP Scheme road shall be led and Final Plot No.11 abating on it, shall be made easily accessible by vehicles by end of this year i.e. 2005. As a matter of fact, major part of the Final Plot No.11, which was originally original plot no.8 is already in possession and house of the appellant and the remaining part of the Final Plot No.11 shall be handed over to the appellant as soon as he releases and surrenders to the respondent. Part of the original plot no.8, which is no longer forming part of Final Plot No.11 after implementation of the Town Planning Scheme. This transfer of actual possession of land, shall not wait till the proposed 18 meter TP scheme road is led, but on the contrary, it is understood that the laying of the said road would be delayed, if the land to be surrendered by the appellant to the respondent, is not immediately surrendered.

2.In view of the above understanding being recorded, the appeal does not survive and it is disposed accordingly with no order as to costs.

3.The interim relief, granted in Civil Application No.8989/2002 stands vacated and the application stands dismissed.

(D.H.WAGHELA, J.)

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